

REMARKS

Applicants respectfully request further examination and reconsideration in view of the instant response. Claims 1-3, 5-17 and 19-23 remain pending in the case. Claims 17 and 19-21 are rejected. The Office Action indicates in paragraph 10 and on the Office Action Summary that Claim 22 is allowed. However, in paragraph 4, the Office Action indicates that Claim 22 is rejected. It appears to Applicants that the Office Action intended to allow Claim 22. The Office Action states in paragraph 10 and on the Office Action Summary that Claims 1-3, 5-16 and 22-23 are allowed. The Examiner is thanked for allowing Claims 1-3, 5-16 and 22-23.

Claim 2 has been amended to correct a grammatical error. Applicants respectfully submit that although Applicants amended Claim 2, the amendment would not cause the Examiner to perform another search. Therefore, should the following arguments be found to be persuasive, Applicants respectfully submit that it would be improper to make the next Office Action final due to the amendment in this response.

35 U.S.C. §103(a)

Claims 17 and 19-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent 6,718,474 by Somers et al., (hereinafter referred to as "Somers") in view of United States Patent 7,159,022 by Primm, (hereinafter referred to as "Primm"). Applicants have reviewed the asserted art and respectfully submit that the embodiments of the present invention as recited in Claims 17 and 19-22 are neither taught nor suggested by Somers or Primm, alone or in combination.

Applicants respectfully note that paragraph 4 states that Claim 22 is rejected. However, the Office Action Summary sheet, and paragraphs 9 and 10 indicate that Claim 22 is allowed.

Applicants respectfully submit that "[i]t is improper to combine references where the references teach away from their combination" (emphasis added; MPEP

2145(X)(D)(2); *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983)). Applicants respectfully note that “[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention” (emphasis in original; MPEP 2141.02(VI); *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)). Applicants respectfully submit that there is no motivation to combine the teachings of Somers and Primm, because Primm teaches away from Somers.

Applicants understand Somers to teach two embodiments that both use a centralized system (Abstract). One embodiment is described, among other places, at Col. 3 line 30 to Col. 4 line 3 where the centralized system includes a system module 302 and an interrupt register 320 (Figure 1). The other embodiment, is described, among other places, at Col. 4 lines 4-17 where the centralized system includes a system management module 300 and an interrupt register 320 (Figure 3).

In contrast, Primm teaches a peer to peer architecture (abstract lines 9-12, Figure 2). Primm teaches away from a centralized system at Col. 2 line 58- Col. 3 line 14, among other places. For example, referring to centralized applications, Primm states at Col. 2 line 67 to Col. 3 line 4, “While these mechanisms can be quite effective, they introduce additional costs, through additional software, hardware, configuration, administration, and network bandwidth. Also, the central application/server often introduces a single point of failure into the environment.” Primm makes additional statements teaching away from a centralized architecture at Col. 4 lines 8-10, which state “Specifically, if the monitoring appliance suffers a failure, detection of the failure typically requires user interaction or polling by an expensive centralized management server.”

Applicants respectfully submit that the teachings of Somers and Primm cannot be combined to render the embodiments recited by Claims 17, 19-221 obvious for at least the reasons that Primm teaches away from Somers.

CONCLUSION

Based on the arguments presented above, Applicants respectfully assert that Claims 1-3, 5-17 and 19-23 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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